

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

TERRA PARTNERS; TERRA XXI, LTD.;
ROBERT WAYNE VEIGEL;
ELLA MARIE WILLIAMS VEIGEL;
VEIGEL FARMS, INC.; VEIGEL CATTLE
COMPANY; and VEIGEL FARM PARTNERS,

Plaintiffs,

v.

No. 2:15-cv-236-J

AG ACCEPTANCE CORPORATION,

Defendant.

REQUEST FOR *IN CAMERA* REVIEW OF DOCUMENTS PROVIDED IN SUPPORT OF
REPLY TO ROBERT WAYNE AND ELLA MARIE VIEGEL'S DOC. 67 AND
REQUEST TO FILE REPLY TO DOC. 67 UNDER SEAL

Keleher & McLeod, P.A. (Jeffrey Dahl and Justin Breen) and the Law Offices Of Philip Roland Russ¹ (collectively "Movant") hereby request that they be permitted to provide documents for the Court's *in camera* review in support of their reply to Robert Wayne and Ella Marie Viegel's Response To Motion To Withdraw [Doc. 67] ("Veigel Response"). Movant requests also that it be permitted to file its reply to the Veigel Response under seal. In support of these requests, Movant states:

1. In opposing Movant's Motion To Permit Withdrawal [Doc. 53] ("Motion"), the Plaintiffs intend to produce attorney-client privileged documents for the Court's *in camera* inspection. [Robert Wayne And Ella Marie Viegel's Motion For In Camera Review Of Protected Attorney-Client Documents [Doc. 66] ("In Camera Request").]

¹ Mr. Russ is local counsel.

2. The In Camera Request refers to an appendix, listing the documents at issue that Robert and Ella want to produce for the Court's inspection. Movant has not been provided a copy of that appendix and has requested that it be provided. In the course of this litigation, the undersigned has received a substantial number of emails from Plaintiffs pertaining to this matter. Accordingly - and certainly without the appendix - Movant does not know whether the correspondence to be provided by Robert and Ella will reflect the nature of the circumstances underlying the request for withdrawal.

3. Despite the substantial number of emails in this matter, it is Movant's intent to only produce for *in camera* review the few emails that immediately precipitated the Motion.

4. The In Camera Request states "...it is necessary...to produce confidential, protected, and privileged attorney-client information to show that although the Plaintiffs have had differences with [Movant], Plaintiffs have always deferred to [Movant's] professional advice." [Doc. 66, pg. 2.]

5. Movant acknowledges that it is necessary to produce confidential information for the Court's consideration of this issue. Movant was previously restricted from fully articulating the basis of its request to withdraw. Now it is clear that Plaintiffs intend to put some of the communications at issue squarely before the Court². Accordingly, Movant respectfully requests that it be permitted to provide communications for the Court's *in camera* inspection as well.

² New Mexico's Rule 16-106(B)(5) permits disclosure of confidential information "to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client... or to respond to allegations in any proceeding concerning the lawyer's representation of the client." Texas Disciplinary Rules of Professional Conduct Rule 1.05(c)(5) has similar language.

6. The communications will demonstrate that there is in fact an irreconcilable difference warranting Movant's withdrawal under the New Mexico's Rules of Professional Conduct, the Texas Disciplinary Rules of Professional Conduct, and this Court's Local Rule U.S.D.C.N.D TX LR 83.12.

7. Movant also requests that it be permitted to provide a sealed reply to Doc. 67, with the communications at issue attached for the Court's consideration.

8. This motion is not opposed by Defendant.

WHEREFORE, Movant respectfully requests that the Court permit it to file its Reply to Doc. 67 under seal and that it be permitted to attach to said reply documents in support thereof for the Court's *in camera* inspection.

Respectfully submitted,

KELEHER & MCLEOD, P.A.

By: /s/ Justin B. Breen

Filed Electronically on March 29, 2016

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CERTIFICATE OF SERVICE

THIS HEREBY CERTIFIES that on March 29, 2016, I electronically filed the foregoing document with the Clerk of the Court for the Northern District Of Texas by using the CM/ECF system, which will send a notice of electronic filing to the following CM/ECF participants:

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I hereby certify that the following parties were served a copy of the foregoing by regular mail and by email on March 29, 2016.

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